

Misbranding was alleged in substance for the reason that the statement, to wit, "Packed by J. P. Andrews & Co. at Hurlock, Md., U. S. A.," was false and misleading and deceived and misled the purchaser.

On May 25, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10974. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed cake. U. S. v. McCall Cotton & Oil Co., a Corporation. Plea of guilty. Fine, \$400. (F. & D. No. 15841. I. S. Nos. 10790-t, 10804-t, 10805-t.)

On February 25, 1922, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McCall Cotton & Oil Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Arizona into the State of New Mexico, on or about November 15, 1920, and April 22, 1921, respectively, of quantities of cottonseed meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded, and on or about April 1, 1921, of a quantity of cottonseed cake which was misbranded. The November 15, 1920, shipment of cottonseed meal was labeled in part: "100 Pounds (Net) Cracked Cottonseed Meal * * * Guaranteed analysis Protein 43.00 per cent * * *." The April 22, 1921, shipment of cottonseed meal was unlabeled, but was invoiced as "Cottonseed Meal 43%." The cottonseed cake was labeled in part: "* * * Brand-McCall Co. McCall Cotton & Oil Co. Phoenix, Arizona Guaranteed Analysis Crude Protein 43.00 per cent."

Analysis, by the Bureau of Chemistry of this department, of a sample from each of the consignments of cottonseed meal showed that it contained 38.96 and 38.61 per cent, respectively, of protein. Analysis of a sample of the cottonseed cake by said bureau showed that it contained 41 per cent of protein.

Adulteration of the April 22, 1921, shipment of cottonseed meal was alleged in the information for the reason that a cottonseed meal of less than 43 per cent of protein, to wit, a cottonseed meal which contained approximately 38.96 per cent of protein, had been substituted for a cottonseed meal which contained 43 per cent of protein, which the said article purported to be.

Misbranding of the same shipment of cottonseed meal was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to the November 15, 1920, shipment of cottonseed meal and the cottonseed cake for the reason that the statements, respectively, to wit, "Protein 43.00 per cent" and "Crude Protein 43.00 per cent," borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 43 per cent of protein, whereas, in truth and in fact, said articles did contain less than 43 per cent of protein, to wit, 38.61 per cent or 41 per cent, as the case might be, of protein.

On March 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10975. Adulteration of shell eggs. U. S. v. George F. Gutshall (Chattanooga Mercantile Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16023. I. S. No. 18201-t.)

On April 10, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George F. Gutshall, trading as Chattanooga Mercantile Co., Chattanooga, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 15, 1921, from the State of Oklahoma into the State of Texas of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed that 413, or 57.3 per cent of those examined, were inedible eggs, consisting of mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 29, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10976. Adulteration and misbranding of vinegar. U. S. v. 20 Cases and 6 Barrels of Vinegar. Decree adjudging product adulterated and misbranded and ordering its destruction. (F. & D. Nos. 16103, 16104. I. S. Nos. 17209-t, 17211-t. S. Nos. E-3841, E-3842.)

On April 26, 1922, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases and 6 barrels of vinegar, remaining unsold in the original unbroken packages at Wheeling, W. Va., alleging that the article had been shipped by the De Luxe Products Co., Pittsburgh, Pa., in part September 22, and in part December 27, 1921, and transported from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The portion of the product contained in the said cases was labeled in part: (Bottle) "De Luxe Brand Pure Cider Vinegar Made From Apple Juice * * * Bottled & Guaranteed by DeLuxe Products Co. N. S. Pittsburgh, Pa. * * *." The remainder of the said product was labeled in part: (Barrel) "De Luxe Products Co. Pittsburgh, Pa. DeLuxe Pure Cider Vinegar."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar, with respect to the article contained in the said cases, and evaporated apple products vinegar and distilled vinegar, with respect to the article contained in the said barrels, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the article. Adulteration was alleged with respect to the article contained in the said barrels for the further reason that it was artificially colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the said article was branded as containing pure cider vinegar, which said branding was false and misleading and deceptive for the reason that it did not contain pure cider vinegar. Misbranding was alleged for the further reason that the article was offered for sale under the said false brand of pure cider vinegar, which is a brand distinct and separate from the true nature and character of the said article.

On June 13, 1922, a decree of the court was entered adjudging the article to be adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10977. Adulteration and misbranding of flour. U. S. v. 800 Bags, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16315, 16320, 16328, 16817, 16818. I. S. Nos. 14443-t, 14439-t, 14440-t, 14445-t, 8082-v, 8083-v. S. Nos. W-1084, W-1085, W-1086, W-1089, W-1212, W-1213.)

On May 12, 15, and 17, and September 19, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3,460 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Kalispell Flour Mill Co., Kalispell, Mont., alleging that the article had been shipped from Kalispell, Mont., between the dates of April 25 and August 14, 1922, and transported from the State of Montana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, variously: "The Royal Milling Co. Rex * * * Kalispell Flour Mill Company, Kalispell Montana. 98 Lbs.;" "100% Strong Diamond Hitch Hard Wheat Flour Manufactured For Royal Milling Co. Great Falls, Mont., Bleached 98 Lbs.;" "Liberty Patent Flour Made From Selected Hard Wheat * * * 98 Lbs. Net When Packed."

Adulteration of the article was alleged in the libels for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.